

Service Date: September 30, 2004

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

IN THE MATTER of a Commission)	
Investigation of Electricity)	UTILITY DIVISION
Market Activity Affecting Retail)	
Customers During the Period 2000)	DOCKET NO. D2004.2.21
Through 2001)	ORDER NO. 6531f

PROTECTIVE ORDER

On August 9, 2004, PPL EnergyPlus, LLC ("PPL") filed a Motion for Protective Order in this docket accompanied by an Affidavit of Mark D. Zora ("Zora Aff"). The Motion requests protection for certain information to be provided pursuant to a subpoena duces tecum issued on June 17, 2004. The certain information is customer specific contract prices. From the information a PPL competitor could derive significant economic value. Zora Aff., p.1-2. PPL maintains that release of the information would harm its relationships with its current customers and possibly disadvantage those customers vis-à-vis their competitors. Id. at p.2. PPL contends the information is trade secret under Montana law.

The Commission determines that PPL has met the requirements of ARM 38.2.5007, and has made a prima facie showing that the information described is confidential information pursuant to ARM 38.2.5001(1). PPL's Motion is granted. Information submitted in accordance with this Order will be treated as confidential information under the terms of this Order and Commission protective order rules, ARM 38.2.5001-5030.

This Order may be challenged at any time pursuant to ARM 38.2.5008. PPL is reminded that following the issuance of this Order it must comply with ARM 38.2.5016.

The PSC is presently considering necessary changes, if any, to its protective order process as a result of litigation. All protective orders issued until the question of changes has been resolved are subject to modification. Providers will be notified and provided an opportunity to respond in the event modification of this protective order is required.

Done and dated this 17th day of August 2004, by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

BOB ROWE, Chairman

TOM SCHNEIDER, Vice-Chairman

MATT BRAINARD, Commissioner

GREG JERGSON, Commissioner

JAY STOVALL, Commissioner

ATTEST:

Connie Jones
Commission Secretary

(SEAL)

NOTE: There is no reconsideration of the granting of a protective order. There is a procedure to challenge the provider's claim of confidentiality. See ARM 38.2.5008. Reconsideration of a denial of a protective order is available in accordance with ARM 38.2.4806.

Montana Public Service Commission
Protective Orders and Protection of Confidential Information

Nondisclosure Agreement
(7-26-00)

ARM 38.2.5012
Docket No., D2004.2.21, Order No. 6531f
Order Action Date: September 30, 2004

I understand that in my capacity as counsel or expert witness for a party to this proceeding before the commission, or as a person otherwise lawfully so entitled, I may be called upon to access, review, and analyze information which is protected as confidential information. I have reviewed ARM 38.2.5001 through 38.2.5030 (commission rules applicable to protection of confidential information) and protective orders governing the protected information that I am entitled to receive. I fully understand, and agree to comply with and be bound by, the terms and conditions thereof. I will neither use nor disclose confidential information except for lawful purposes in accordance with the governing protective order and ARM 38.2.5001 through 38.2.5030 so long as such information remains protected.

I understand that this nondisclosure agreement may be copied and distributed to any person having an interest in it and that it may be retained at the offices of the provider, commission, consumer counsel, any party and may be further and freely distributed.

Typed or Printed Name

Signature

Date of Signature

Business Address:

Employer

Party Represented